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OFFICE OF PETITIONS

In re Application of Abe
Application No. 10/043,110
Filing Date: January 15, 2002
Attorney Docket No. Q68048

Decision on Petition

DOCKETED

NOV - 9 2006

This is a decision on the petition under 37 CFR 1.137(a), filed July 26, 2006, to revive the above-identified application. The petition is also being treated under 37 CFR 1.181 (no fee) as a petition to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **granted**.

The petition under 37 CFR 1.137(a) is **dismissed as moot**. //

A non-final Office action was mailed June 12, 2003. Although a Notice of Abandonment was not mailed, Office records were changed to indicate the application was abandoned based on the non-receipt of a reply to the Office action.

Petitioner asserts a reply was timely filed on September 12, 2003. In support of the petition, petitioner has submitted a date-stamped postcard receipt, indicating the Office received an "Amendment Under 37 C.F.R. § 1.111," on September 12, 2003. A copy of the amendment accompanies the petition.

The original amendment filed September 12, 2003, has been located in the file. The date stamps on the amendment indicate it was received by the Office of Initial Examination on September 12, 2003, and subsequently by Technology Center 2800 on September 15, 2003.

Since a reply was timely filed in response to the non-final Office action, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Since the petition has been granted under 37 CFR 1.181, petitioner's request to have the petition considered under 37 CFR 1.137(a) is dismissed as moot. No petition fee is required for a petition to withdraw holding of abandonment under 37 CFR 1.181. Therefore, the Office has not charged a petition fee to petitioner's deposit account.

Technology Center Art Unit 2833 will be informed of the instant decision and the application will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



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